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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,967	02/20/2004	Jerome Philippot	681-P0002	4410
23334	7590	06/01/2006	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			GARRETT, ERIKA P	
		ART UNIT	PAPER NUMBER	
		3636		

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/783,967	PHILIPPOT ET AL.
	Examiner Erika Garrett	Art Unit 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) 6, 7 and 9 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 8 and 10-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,11, 12-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Masters (6,199,252). In regards to claim 1 and 15, Masters discloses the use of a backrest of a vehicle seat comprising a backrest and seat pan (40) hinged to the backrest (figure 2); the backrest including a framework (70), padding (110), padding cover (112) covering the padding and a front face and sides of the backrest, a screen (113) for a rear face of the backrest, and rigid seat back panel (108) shield frame with at least two lateral sides and a bottom side, the shield frame being adapted to be attached to the frame work of the backrest to cover lateral edges of the framework and bottom part of the rear of the backrest, the shield frame including towards an inner edge at least one groove (115) adapted to accommodate and hold an edge of the padding cover and an edge of the screen, the padding cover covering at least a portion of the shield frame. In regards to claim 11, the screen is a flexible textile film. In regards to claims 12 and 19, the framework includes and upper and lower cross member (72, figure 2). In regards to claim 13, wherein the lower ends of the uprights accommodate the backrest to seat pan hinge mechanisms (75,74). In regards to claims 14 and 20, vehicle includes at least one seat comprising a backrest.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters in view of Nagel (6,062,649). Masters shows the use of all the claimed invention but fails to show the use of grooves running around the four sides of the frame. Nagel teaches the use of groove running around the four sides of the frame. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the frame with grooves running around the side as taught by Nagel, in order to attach the frame to the backrest.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masters as applied to claim 2 above, and further in view of Jay (5,647,637). Masters shows the use of all the claimed invention but fails to show the use of a plurality of flaps extending beyond the edge of the padding. Jay teaches the use of flaps (figures 23-25) extend beyond the edge of the padding. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the frame with flaps as taught by Jay, in order to increase durability of the frame.

Claims 4-5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters in view of Rowland (4,318,556). Masters shows the use of all the claimed invention but fails to show the use of the screen or padding cover include elastic clips.

Rowland teaches the use of screen or padding cover includes elastic clips (29). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the padding with elastic clips as taught by Rowland, in order to secure the screen or padding to the frame.

Claims 8, 10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters in view of Jay (5,647,637). Masters shows the use of all the claimed invention but fails to show the use of the frame made of plastic material and a plurality of flaps extending beyond the edge of the padding. Jay teaches the use of plastic material and flaps (figures 23-25) extend beyond the edge of the padding. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the frame with plastic material and flaps as taught by Jay, in order to increase durability of the frame.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8 and 10-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EG, 
May 23, 2006


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600